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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,494	02/25/2004	Isidore I. Lamke	LUMA 7366D1	7294
1688	7590	06/28/2005		EXAMINER
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615				TON, ANABEL
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/787,494	LAMKE ET AL. <i>ml</i>
	Examiner	Art Unit
	Anabel M. Ton	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 April 2005.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 18-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 18-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, with respect to the rejection(s) of claim(s) 18-23 under 35 USC 121 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Vilanilam et al.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilanilam (5,821,695).

4. Vilanilam discloses the method of forming a lamp assembly except for the recitation of removing the lamp assembly from the mold. Vilanilam discloses providing a mold (40) having a predetermined shape corresponding to the desired shape of the lamp assembly, positioning a circuit board having a plurality of LED's mounted thereto in said mold (col. 3 lines 14-23), filling the mold with a flowable lens material and hardening the lens material (col. 4 lines 6-26), attaching electrical connection to the LED's (col. 3 lines 14-28, power is provided to the LEDs through terminal plates 52a, 52b and 52c which are connected circuit elements in the printed circuit board which are encapsulated in the flowable material, thus satisfying this limitation). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to remove the mold/lens jewel from the device of Vilanilam since it has been held that removal of feature from a device if not so desired is within the level of ordinary skill. See *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965). Furthermore, it would have been reasonably within a level of ordinary skill in the art to keep the mold as a lens since Vilanilam teaches that the mold/jewel is purposeful to the device for optical and impact absorbing purposes.

- With regard to adding color pigment to the material, It would have been obvious to one of ordinary skill in the art at the time the invention was made to add color to the flowable material of Vilanilam, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Furthermore, Vilanilam discloses the mold/jewel as optionally being provided with a desired color.
- With regards to the LED's being arranged in rows and columns, it would have been obvious tone of ordinary skill in the art to provide the device of Vilanilam with LED's arranged in rows and columns instead of the circular array as shown in figure 7, since such a distribution of light elements in a lamp assembly is old and well known in the art for a greater array of light emission (See Roney et al for teaching of LED's arrangement in a lighting device).
- With regards to at least one LED emitting light of a different color from the other LED's, it would have been obvious tone of ordinary skill in the art to provide the

device of Vilanilam with at least one LED emitting a light color different from the other LED's since providing a lighting device with a function to initiate a select colored LED for a desired function is old and well known in the art for use in beacon lights of emergency lights (see cited art Deese for teaching).

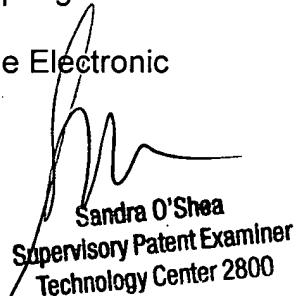
***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Roney et al and Deese.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800

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Anabel M Ton  
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AMT